

FINDLAY CITY COUNCIL AGENDA

REGULAR SESSION

June 6, 2017

COUNCIL CHAMBERS

ROLL CALL of 2016-2017 COUNCILMEMBERS

ACCEPTANCE/CHANGES TO PREVIOUS CITY COUNCIL MEETING MINUTES:

Acceptance or changes to the May 16, 2017 Regular Session City Council meeting minutes.

ADD-ON/REPLACEMENT/REMOVAL FROM THE AGENDA: - none.

PROCLAMATIONS: - none.

RECOGNITION/RETIREMENT RESOLUTIONS: - none.

WRITTEN COMMUNICATIONS:

Mike Duling – re-establish non-conforming use for 801 South Main Street

Mr. Duling is requesting to re-establish their A-Residential non-conforming use status to accommodate a change of use for one of their offices located at 801 South Main Street. That office has been utilized as a rental management location for many years, and now, they would like to rent this office space to accommodate a medical use, specifically as an ultra-sound facility who will be maintaining their rental management business in a smaller office space in the same building. Needs to be referred to City Planning Commission and Planning & Zoning Committee.

Philip Rooney, Rooney & Ranzau, Ltd – re-establish non-conforming use for 719 Tiffin Avenue

The undersigned represents Omega Rentals, LLC, the owner of the real property located at 719 Tiffin Avenue, Findlay, Ohio. The property in question is a converted residential structure that has for many years been used as a professional business office. Those uses included a real estate office, mortgage broker office and dentist office. The non-conforming uses were allocated based on the continued use of the property for professional offices. A few years ago, his client ceased to operate its dentistry office out of the property in question and its non-conforming use exception has expired. His client now wishes to re-establish the non-conforming use of the property in question to facilitate a pending sale of property and asks that this request be accepted as his client's application to re-establish a non-conforming use of the property as a professional office, pursuant to Section 1162.09 of the Findlay Zoning Code. Needs to be referred to City Planning Commission and Planning & Zoning Committee.

ORAL COMMUNICATIONS: - none.

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

Mayor Lydia Mihalik – appointment to Board of Zoning Appeals

Mayor Mihalik is requesting Council's confirmation of appointing Kerry Trombly as an alternate to the Board of Zoning Appeals for the City of Findlay, as prescribed in the current zoning ordinance. Mr. Trombly has expressed a desire and willingness to serve the community in this capacity. This appointment will be effective through December 31, 2020. This appointment requires confirmation by Council.

City Auditor Jim Staschiak – Resolution of Transfer to Fund Safety Director Department

City Auditor Staschiak verbally requested this letter be read in its entirety.

After the passage of Ordinance No. 2017-038, the City Auditor's Office received the payroll change documentation needed for paying a Service Director and a Safety Director. To account for the positions properly on the City's financials, a new department in the financial system for the Safety Director Department has been created. Based on the payroll documentation, the City Auditor's Office has calculated the balance of 2017 (including wages and related personnel costs) for the separated positions. A resolution of transfer is needed to create a budget for the new Safety Director Department so that payroll costs may be properly accounted for and paid as follows:

FROM:	Service Director #21020000-personal services	\$ 70,000.00
TO:	Safety Director #21017000-personal services	\$ 70,000.00

Resolution No. 015-2017 was created.

Service Director Brian Thomas

The City has received payment for the cleanup and restoration for a sewer backup that occurred at the Municipal Building from the City's insurance company in the amount of \$31,796.39 which has been deposited in the General Fund. Legislation to appropriate funds is requested. Ordinance No. 2017-054 was created.

FROM:	General Fund (insurance proceeds)	\$ 31,796.39
TO:	Public Buildings Department #21022000-other	\$ 31,796.39

City Planning Commission minutes – May 11, 2017; agenda – June 8, 2017.

**Director of Public Service/Acting City Engineer – Downtown Revitalization HAN-FINDLAY Cory St/Main St (ODOT PID #98797)
Project No. 31942400**

On May 16, 2017, Council approved the appropriation of Marathon Petroleum Company's contribution of one million one hundred thousand dollars (\$1,100,000.00) to the project through Ordinance No. 20117-053. In order to proceed with the project, the ODOT funds also need to be appropriated to the project for construction, inspection, and contingency. Legislation to appropriate funds is requested. Ordinance No. 2017-058 was created.

FROM: ODOT	\$ 1,859,564.00
TO: Downtown Revitalization HAN-FINDLAY Cory St/Main St (ODOT PID 98797) Project No. 31942400	\$ 1,859,564.00

N.E.A.T. Departmental Activity Report – April 2017.

Hancock Regional Planning Commission Director Matt Cordonnier – Downtown Design Review Board

Hancock Regional Planning Commission, in partnership with the Council Planning and Zoning Committee, The Alliance, and the Downtown Findlay Economic Development Task Force, has been working on an update to the existing Downtown Design Review Board regulations. The City of Findlay created the Downtown Design Review Board in 1993. In 2015, efforts began to rewrite the Downtown Design Review Ordinance. Included with the letter is the resulting draft of a new ordinance to replace the existing ordinance. The purpose of the Downtown Design Review Board is to enhance and protect investment in Findlay's downtown. The proposed Downtown Design Review Board Ordinance defines the geographic extent and range of powers afforded to the seven (7) member board. The board will review renovations and new construction within the district. These reviews are limited to design aesthetics and compatibility to the existing downtown environment. Additionally, the ordinance contains provisions allowing the board to enforce exterior maintenance standards. In no way does the board have authority to enforce the design or maintenance of interior items such as plumbing, electrical wiring, HVAC, etc. The ordinance will apply to all the following structures that are located within the geographical boundary of the Downtown Design Review District:

1. All new structures regardless of use.
2. Existing mixed use, commercial and residential structures with four (4) or more units.
 - a. Existing single family, duplex, and triplex residential structures are not subject to this ordinance.

Ordinance No. 2017-059

COMMITTEE REPORTS: - none.

LEGISLATION:

RESOLUTIONS

RESOLUTION NO. 012-2017 (*opposition of State Governor's proposed 2017-2018 budget*) **tabled after first reading on 4/18/17**

A RESOLUTION STRONGLY OPPOSING THE STATE OF OHIO GOVERNOR'S PROPOSED 2017-2018 BUDGET, WHICH PROPOSES CENTRALIZED COLLECTION OF NET PROFIT TAX RETURNS AND OTHER PROVISIONS RELATED TO THE MUNICIPAL INCOME TAX WHICH WILL CAUSE A SUBSTANTIAL LOSS OF REVENUE NEEDED TO SUPPORT THE HEALTH, SAFETY, WELFARE AND ECONOMIC DEVELOPMENT EFFORTS OF OHIO MUNICIPALITIES, AND DECLARING AN EMERGENCY.

RESOLUTION NO. 015-2017 (*Safety Director Department*) **requires three (3) readings** **first reading**

A RESOLUTION TRANSFERRING FUNDS WITHIN APPROPRIATED FUNDS, AND DECLARING AN EMERGENCY.

ORDINANCES

ORDINANCE NO. 2017-021 AS AMENDED (*bicycle riding in downtown business district*) **tabled after third reading on 4/18/17**

AN ORDINANCE AMENDING SECTION 373.11(a)(2) AND REPEALING SECTION 373.13 OF CHAPTER 373 OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO.

A motion to accept the proposed amendments (second amendment to the Ordinance) was approved during New Business portion of tonight's meeting. It was not lifted from the table, so it remains tabled.

ORDINANCE NO. 2017-040 (*527 W Sandusky St rezone*) **requires three (3) readings. Public hearing on 6/6/17.** **third reading**

AN ORDINANCE AMENDING CHAPTER 1100 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, KNOWN AS THE ZONING CODE BY REZONING THE FOLLOWING DESCRIBED PROPERTY (REFERRED TO AS 527 WEST SANDUSKY STREET REZONE) WHICH PREVIOUSLY WAS ZONED "R3 SINGLE FAMILY HIGH DENSITY" TO "R4 DUPLEX/TRIPLEX HIGH DENSITY.

ORDINANCE NO. 2017-043 (*RLF administration*) **requires three (3) readings** **third reading**

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

ORDINANCE NO. 2017-047 (607 Central Ave rezone – Habitat for Humanity) requires three (3) readings. Public hearing on 6/20/17. **second reading**
AN ORDINANCE AMENDING CHAPTER 1100 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, KNOWN AS THE ZONING CODE BY REZONING THE FOLLOWING DESCRIBED PROPERTY (REFERRED TO AS 607 CENTRAL AVENUE REZONE) WHICH PREVIOUSLY WAS ZONED “C2 GENERAL COMMERCIAL” TO “R3 SINGLE FAMILY HIGH DENSITY”.

ORDINANCE NO. 2017-048 (Graceland Ave (800 6th St) vacation) requires three (3) readings **second reading**
AN ORDINANCE VACATING A CERTAIN ALLEY (HEREINAFTER REFERED TO AS GRACELAND AVENUE ALLEY VACATION) IN THE CITY OF FINDLAY, OHIO.

ORDINANCE NO. 2017-049 (221 W Hardin St rezone) requires three (3) readings. Public hearing on 6/20/17. **second reading**
AN ORDINANCE AMENDING CHAPTER 1100 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, KNOWN AS THE ZONING CODE BY REZONING THE FOLLOWING DESCRIBED PROPERTY (REFERRED TO AS 221 WEST HARDIN STREET REZONE) WHICH PREVIOUSLY WAS ZONED “C2 GENERAL COMMERCIAL” TO “R4 DUPLEX/TRIPLEX HIGH DENSITY”.

ORDINANCE NO. 2017-054 (insurance payment - Muni Bldg cleanup & restoration from sewer backup) requires three (3) readings **first reading**
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

ORDINANCE NO. 2017-055 (Campbell’s Soup Supply Company L.L.C. development agreement) requires three (3) readings **first reading**
AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR OF THE CITY OF FINDLAY, OHIO TO ENTER INTO A DEVELOPMENT AGREEMENT WITH CAMPBELL’S SOUP SUPPLY COMPANY L.L.C. TO FORMALIZE THE FINANCIAL CONTRIBUTION BY THE CAMPBELL’S SOUP SUPPLY COMPANY L.L.C. TOWARD THE PUBLIC IMPROVEMENTS AT THE NEW INDUSTRIAL PARK WHERE THEIR NEW FACILITY WILL BE LOCATED, AND DECLARING AN EMERGENCY.

ORDINANCE NO. 2017-056 (HWE Franchise Agreement) requires three(3) readings **first reading**
AN ORDINANCE GRANTING TO HANCOCK-WOOD ELECTRIC COOPERATIVE, INC. ITS SUCCESSORS AND ASSIGNS, THE RIGHT TO ACQUIRE, CONSTRUCT, MAINTAIN AND OPERATE IN THE STREETS, THOROUGHFARES, ALLEYS, BRIDGES AND PUBLIC PLACES OF THE CITY OF FINDLAY, STATE OF OHIO, AND ITS SUCCESSORS, LINES FOR THE DISTRIBUTION OF ELECTRIC ENERGY AND OTHER SERVICES TO PARTS OF THE CITY OF FINDLAY AND THE INHABITANTS THEREOF FOR LIGHT, HEAT, POWER AND OTHER PURPOSES AND FOR THE TRANSMISSION OF THE SAME WITHIN, THROUGH AND ACROSS SAID CITY OF FINDLAY, STATE OF OHIO, SUBJECT TO AND IN COMPLIANCE WITH THE CERTIFIED TERRITORIES FOR ELECTRIC SUPPLIERS ACT (OHIO REVISED CODE SECTIONS 4933.81 TO 4933.90).

ORDINANCE NO. 2017-057 (Tall Timbers West, 1st Addition plat) requires three (3) readings **first reading**
AN ORDINANCE ACCEPTING THE STREET RIGHT-OF-WAY DEDICATION AS SHOWN ON THE TALL TIMBERS WEST 1ST ADDITION RIGHT-OF-WAY DEDICATION PLAT, AND DECLARING AN EMERGENCY.

ORDINANCE NO. 2017-058 (Downtown Revitalization HAN-FINDLAY Cory St/Main St project) requires three (3) readings **first reading**
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

ORDINANCE NO. 2017-059 (Downtown Design Review Board) requires three (3) readings **first reading**
AN ORDINANCE ENACTING NEW CHAPTER 1138 OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, ENTITLED DESIGN REVIEW REGULATIONS ORDINANCE FOR THE CITY OF FINDLAY, OHIO.

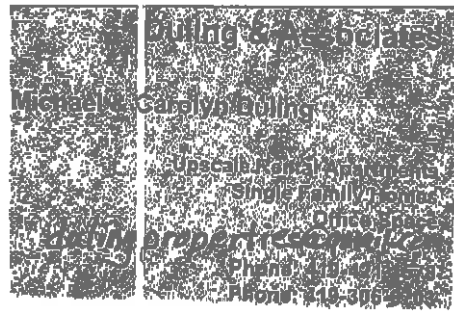
ORDINANCE NO. 2017-060 (continue Workers Compensation programs) requires three (3) readings **first reading**
AN ORDINANCE AUTHORIZING THE AUDITOR OF THE CITY OF FINDLAY, OHIO TO ENROLL THE CITY OF FINDLAY IN THE BUREAU OF WORKER’S COMPENSATION (BWC) GROUP RETROSPECTIVE RATING PLAN, AND DECLARING AN EMERGENCY.

UNFINISHED BUSINESS:

OLD BUSINESS

NEW BUSINESS

May 25, 2017



To whom it may concern:

The following is our statement of reasons requesting to reestablish our A-Residential-non conforming use status to accommodate a change of use for one of our offices located at 801 S. Main St. Findlay, OH.

This has been our office used as a rental management location for many years - and now we would like to rent this office space to accommodate a medical use, specifically as an ultra-sound facility.

We will be maintaining our rental management business in a smaller office space in the same building.

Thank you!

Mike & Carolyn Duling
Duling Rentals

Contact info:

Michael Duling 419-306-6703

Carolyn Duling 419-421-1578



Philip L. Rooney
Christie L. Ranzau

rooney & ranzau, ltd.
attorneys at law
320 s. main st.
findlay, ohio 45840
419-425-3821
flagcitylaw.com

May 26, 2017

Clerk of Council
Findlay City Council
Municipal Building
Findlay, Ohio 45840

APPLICATION TO REESTABLISH NON-CONFORMING USE

RE: 719 Tiffin Avenue, Findlay, Ohio

To the Clerk:

The undersigned represents Omega Rentals, LLC, the owner of the real property located at 719 Tiffin Avenue, Findlay, Ohio. The property in question is a converted residential structure that has for many years been used as a professional business office. These uses included a real estate office, mortgage broker office and dentist's office. The non-conforming uses were allowed based on the continued use of the property for professional offices. A few years ago, my client ceased to operate its dentistry office out of the property in question, and its non-conforming use exception has expired.

My client now wishes to reestablish the non-conforming use of the property in question to facilitate a pending sale of the property. Pursuant to Section 1162.09 of the Findlay Zoning Code, please accept this letter as my client's application to reestablish a non-conforming use of the property as a professional office.

If you have any questions after your review of this matter, please feel free to contact me at your convenience.

Sincerely,

ROONEY & RANZAU, LTD.

Philip L. Rooney

Office of the Mayor

Lydia L. Mihalik

318 Dorney Plaza, Room 310

Findlay, OH 45840

Telephone: 419-424-7137 • Fax: 419-424-7245

www.findlayohio.com

May 23, 2017

Honorable City Council
City of Findlay, Ohio

RE: Appointment to Board of Zoning Appeals

Dear Council Members:

This letter will serve as my request for your confirmation of Kerry Trombly as an alternate to the Board of Zoning Appeals for the City of Findlay, as prescribed in the current zoning ordinance. Mr. Trombly has expressed a desire and willingness to serve the community in this capacity. This appointment will be effective through December 31, 2020.

I trust that you will concur with my choice and confirm my appointment. I thank you in advance for your prompt attention to this matter.

Sincerely,



Lydia L. Mihalik
Mayor

cc: Kerry Trombly
Board of Zoning Appeals Members
Don Rasmussen, Director of Law



AUDITOR'S OFFICE

318 Dorney Plaza, Room 313
Findlay, OH 45840-3346
Telephone: 419-424-7101 • Fax: 419-424-7866
www.findlayohio.com

JIM STASCHIAK II
CITY AUDITOR

May 24, 2017

Findlay City Council
Findlay OH 45840

RE: Resolution of Transfer to Fund Safety Director Department

Dear Council Members:

After the passage of ORD 2017-038, my office received the payroll change documentation needed for paying a Service Director and a Safety Director. To account for the positions properly on our financials, we have created a new department in our financial system for the Safety Director department.

Based upon the payroll documentation, my office has done the calculations for the separated positions for the balance of 2017 (including wages and related personnel costs). At this time a Resolution of Transfer is needed to create a budget for the new Safety Director department so that payroll costs may be properly accounted for and paid as follows:

FROM: Service Director (21020000-personal services)	\$70,000.00
TO: Safety Director (21017000-personal services)	\$70,000.00

By copy of this letter, the Law Director has been requested to prepare the necessary legislation.

Sincerely,

Jim Staschiak II
City Auditor

c: Don Rasmussen

Office of the Mayor

Lydia L. Mihalik

318 Dorney Plaza, Room 310

Findlay, OH 45840

Telephone: 419-424-7137 • Fax: 419-424-7245

www.findlayohio.com

May 25, 2017

Honorable City Council
City of Findlay, Ohio

Dear Council Members:

The City has received payment for the cleanup and restoration for a sewer backup that occurred at the Municipal Building from the City's insurance company in the amount of \$31,796.39. It has been deposited in the General Fund.

An appropriation is respectfully requested as follows:

FROM:	General Fund (insurance proceeds)	\$31,796.39
TO:	Public Buildings Department 21022000-other	\$31,796.39

Thank you for your consideration.

Sincerely,



Brian Thomas, P.E., P.S.
Service Director

cc: Donald J. Rasmussen, Director of Law
Jim Staschiak II, City Auditor

City of Findlay City Planning Commission

Thursday, May 11, 2017 - 9:00 AM
Municipal Building, Council Chambers

Minutes

(Staff Report Comments from the meeting are incorporated into the minutes in lighter text. Actual minutes begin with the DISCUSSION Section for each item)

MEMBERS PRESENT:

Lydia Mihalik
Paul Schmelzer
Jackie Schroeder
Dan DeArment
Dan Clinger

STAFF ATTENDING:

Judy Scrimshaw, HRPC Staff
Matt Cordonnier, HRPC Director
Brian Thomas, PE, PS, City Engineer
Todd Richard, Zoning Inspector
Matt Pickett, Fire Inspector

GUESTS:

Lou Wilin, Mike Dunipace, Tom Shindeldecker, Diana Hersch, Ron Rooker, Jodi Mathias, Erik Adkins, Jeremy Kalb, McArthur Gilley, Meghan Smith,

CALL TO ORDER

ROLL CALL

The following members were present:

Lydia Mihalik
Paul Schmelzer
Jackie Schroeder
Dan Clinger
Dan DeArment

SWEARING IN

All those planning to give testimony were sworn in by Judy Scrimshaw.

APPROVAL OF MINUTES

Jackie Schroeder made a motion to approve the minutes of the April 20, 2017 meeting. Paul Schmelzer seconded. Motion to accept carried 5-0-0.

NEW ITEMS

1. APPLICATION FOR ZONING AMENDMENT #ZA-02-2017 filed to rezone parcel #570000202220 (Lot 3092 Dunn Add.) on Central Avenue from C-2 General Commercial to R-3 Single Family High Density.

HRPC

General Information

This request is located on the east side of Central Avenue in the block between just north of Tiffin Avenue. It is zoned C-2 General Commercial. Lots to the south and east are also zoned C-2. To the west is zoned R-3 Single Family High Density and to the north is zoned R-2 Single Family Medium Density. It is not located within the 100-year flood plain. The City Land Use Plan designates the site as Single Family Small Lot.

Parcel History

Vacant lot that was once a part of land owned by the old Findlay Motel.

Staff Analysis

Habitat for Humanity wishes to construct a single family home on this parcel. The C-2 zoning does not permit residential uses so they must have it rezoned.

The C-2 zoning is a carryover from the time that it was a part of the motel site. The alley abutting the south side of the lot makes a logical break between the commercial and residential zoning.

The lot is 50' wide and can meet the minimum standard for R-2. The R-3 Single Family High Density is the best fit for Habitat Homes because of the square footage of the homes they construct. The R-2 District has a minimum of 1300 square feet of living space and Habitat normally constructs an average 1150 square foot home. Because the lot is just at the bare minimum width required for R-2 and there is R-3 across the street now we have no issue with recommending R-3.

Staff Recommendation

HRPC Staff recommends that FCPC recommend approval to Findlay City Council of **PETITION FOR ZONING AMENDMENT #ZA-02-2017 filed to rezone parcel #570000202220 (Lot 3092 Dunn Add.) on Central Avenue from C-2 General Commercial to R-3 Single Family High Density.**

ENGINEERING

No Comments

FIRE PREVENTION

No Comments

STAFF RECOMMENDATION.

Staff recommends that FCPC recommend approval to Findlay City Council of **PETITION FOR ZONING AMENDMENT #ZA-02-2017 filed to rezone parcel #570000202220 (Lot 3092 Dunn Add.) on Central Avenue from C-2 General Commercial to R-3 Single Family High Density.**

DISCUSSION

McArthur Gilley, 2515 Foxwood Dr., spoke from the audience and said he had tried to buy that lot several times in the past. He stated that he owns two properties in front and Wayne Farthing owns the third one in front of this property. There is an alley that runs behind it. He stated that they are zoned C-2. Mr. Gilley said he has had his properties up for sale for some time and he feels that changing the zoning from C-2 to R-3 would hurt the evaluation of his property. He stated that Mr. Farthing feels the same way. Mr. Gilley said he is not against Habitat for Humanity by any means. He just doesn't know how they ended up with the property when a couple of people have tried to buy it and were not able to do so. Mr. Gilley said he would be interested in buying it from Habitat if they had a price.

Dan DeArment asked why this would negatively impact Mr. Gilley's property. Mr. Gilley said that the company he has his property listed with thinks that that property would add to the value of his in the front. He said Mr. Farthing is considering selling his as well and they felt that anyone interested would like to have the property across the alley. They thought they would get the alley vacated eventually. Closing the alley would be to their benefit and the value of their property.

Dan Clinger said he could see if the three properties were sold for commercial development together that that piece could make it more developable. Mayor Mihalik asked if the three lots were scraped and combined could new construction meet the setbacks. Ms. Scrimshaw replied that it could possibly, but it could not be anything very large. Todd Richard said it would take a combination of all probably to development. Mr. Schmelzer said that is why Mr. Gilley wants it to stay C-2. Mr. Schmelzer said that he normally looks at the instance of whether a use is less intense and it conforms to other parcels that are around the subject parcel that he is inclined to agree with the rezone. He said if this does move forward with a recommendation from this body, there is nothing that prohibits Mr. Gilley from making an offer to Habitat to purchase it while it is still going through the Council process. Ms. Scrimshaw questioned whether the City would recommend closing that alley as Family Dollar uses it as part of their access. Mr. Schmelzer commented that that would be another issue relative to site design at another time if ever. Mr. Gilley said that Mr. Farthing had said he had no issue with closing it. He stated that Family Dollar does use it but they have two (2) other accesses to their property. He doesn't think they need a third. Mr. Schmelzer said there is a lot that would be a part of new development there with cross access agreements, etc. in the case of development.

Mr. Gilley asked how long this process takes. Mr. Schmelzer stated that our recommendation goes to Planning & Zoning this afternoon, then it refers back to Council where it will have three (3) readings. Therefore, they are looking at roughly a month and a half.

MOTION

Paul Schmelzer made a motion that FCPC recommend to Findlay City Council to approve **APPLICATION FOR ZONING AMENDMENT #ZA-02-2017** filed to rezone parcel #570000202220 (Lot 3092 Dunn Add.) on Central Avenue from C-2 General Commercial to R-3 Single Family High Density.

2nd: Dan DeArment

VOTE: Yay (5) Nay (0) Abstain (0)

2. APPLICATION FOR ZONING AMENDMENT #ZA-03-2017 filed to rezone 221 W. Hardin Street from C-2 General Commercial to R-4 Duplex/Triplex.

HRPC

General Information

This request is located on the south side of W. Hardin Street west of S. West Street. It is zoned C-2 General Commercial. All abutting properties are also zoned C-2. A portion of the front yard is within the 100-year flood plain. The City Land Use Plan designates the area as Downtown.

Parcel History

This site is currently a duplex.

Staff Analysis

According to City records, this duplex existed prior to Zoning.

Several of the surrounding parcels are also duplexes or even multi-family dwellings. This neighborhood has many residential conversions as well as offices.

The applicant would like to add on a 3-car garage with a 3rd living unit above it. New residential is not permitted in C-2. Zoning will be sure that all requirements for parking for three units will be met in the addition plans.

Staff Recommendation

HRPC Staff recommends that FCPC recommend approval to Findlay City Council of APPLICATION FOR ZONING AMENDMENT #ZA-03-2017 filed to rezone 221 W. Hardin Street from C-2 General Commercial to R-4 Duplex/Triplex.

ENGINEERING

No Comment

FIRE PREVENTION

No Comments

STAFF RECOMMENDATION

Staff recommends that FCPC recommend approval to Findlay City Council of APPLICATION FOR ZONING AMENDMENT #ZA-03-2017 filed to rezone 221 W. Hardin Street from C-2 General Commercial to R-4 Duplex/Triplex.

DISCUSSION

Mr. Clinger said he cannot see any hardship here in regard to why he needs to add a third unit. Ms. Scrimshaw stated that we are not really looking at that at this time. The rezoning would put him in compliance for his duplex. Mr. Clinger said it looks like a classic example of spot zoning to him. It is all commercial around him and he is doing it so he can build new. Ms. Scrimshaw replied that this is one of those areas that will likely be changed with the new zoning map. There are a lot of homes. We do not really want them to be C-2. Mr. Clinger said he can agree with that but he would not be inclined to rezone this right now if we plan to reclassify the whole area at some point. Dan DeArment asked when the area would be rezoned. Mr. Cordonnier said that we are in the middle of that discussion. It has taken longer than we would have liked. It is a very complex process with 20,000 parcels.

Mr. DeArment asked what the recommendation for that area would be. Mr. Cordonnier said that some sort of residential would be best. Matt explained that there is currently a large ring of C-2 surrounding the downtown that he believes that the City used the zoning map as somewhat of a future land use map at the time and they wanted to see expansion around the downtown so they zoned it commercial even though it was residential. It was not such an issue at the time since residential was permitted in C-2. In 2005 residential was taken out of the C-2 district and that changed the dynamics of everything. Mr. Cordonnier said that considering the uses here and our land use plan he feels that the rezoning is in line with our goals. Dan Clinger asked if there is a period for the map update. Could it be a year or two? Mr. Cordonnier stated that he hopes this year. Mr. Clinger said he would be inclined to wait until the change. Mr. Cordonnier said he personally does not have any issues with this as a "spot" zoning. He stated that when looking at calling something "spot" zoning part of the analysis is looking at what is actually there. In this case, when we look at what is actually there, the majority had nothing to do with commercial.

Mayor Mihalik commented that there are several multi-family units near this. She asked what the current state of this property is. Ms. Scrimshaw replied that it is a very large house and in good shape. Ms. Mihalik stated that the fact that the owner wishes to reinvest in the site and do it right, she is inclined to be in support of the change. Mr. Cordonnier reminded the Commission that this was a duplex in place before zoning was adopted in Findlay. The R-4 district is the only classification that will put them in conformance. Ms. Scrimshaw commented that if they cannot fit another building on the site and meet the parking requirements in the code, then the Zoning Department would not issue a permit. Mr. Cordonnier stated that giving him the R-4 zoning is returning his property to the rights that he had previously.

MOTION

Dan DeArment made a motion that FCPC recommend approval to Findlay City Council of APPLICATION FOR ZONING AMENDMENT #ZA-03-2017 filed to rezone 221 W. Hardin Street from C-2 General Commercial to R-4 Duplex/Triplex.

2nd: Jackie Schroeder

VOTE: Yay (5) Nay (0) Abstain (0)

3. ALLEY/STREET VACATION PETITION #AV-03-2017 filed to vacate the first east/west alley north of 6th Street running east from Graceland Avenue.

HRPC

General Information

This alley is located just north of 6th Street. The area is zoned R-1 Single Family Low Density.

Parcel History

None

Staff Analysis

The applicant is seeking to vacate this unimproved alleyway running east from Graceland Avenue.

It appears that there was an error some time ago and fences have been constructed on the assumption that this alley was already vacated.
All abutting owners have signed the petition.

HRPC Staff recommends that FCPC recommend approval to Findlay City Council of **ALLEY/STREET VACATION PETITION #AV-03-2017** filed to vacate the first east/west alley north of 6th Street running east from Graceland Avenue.

ENGINEERING

No Comment

FIRE PREVENTION

No Comment

STAFF RECOMMENDATION

Staff recommends that FCPC recommend approval to Findlay City Council of **ALLEY/STREET VACATION PETITION #AV-03-2017** filed to vacate the first east/west alley north of 6th Street running east from Graceland Avenue.

DISCUSSION

Dan Clinger asked if the alley had ever gone farther than is shown or was a portion already vacated. Ms. Scrimshaw stated that she thought it did go farther east and that end was vacated.

Meghan Smith explained some of the research she had done in regard to a portion of the alley that was vacated back in 1964. At the time her family purchased the property, they came to the City to get a permit for a fence and were told the alley was vacated and they were granted the permit to put the fence in on what would be a portion of the alley. Ms. Smith said that the paperwork for the vacation was from back in 1912 and the description was not very clear and this alley was mistakenly listed as vacated. A neighbor recently wanted to erect a fence also and when she came up to the City, she was told that the record was wrong and the alley was still open.

Todd Richard confirmed that the wall maps in the Engineering Department do show it as already vacated. He stated that the wording in the ordinance was very unclear and one could easily construe that this was the alley being referenced. It is actually an alley farther north. Mr. Richard said that with the wall map and the sketchy legal description, he had made the determination at the time that the fence could be located where it is.

MOTION

Paul Schmelzer made a motion to recommend approval to Findlay City Council of **ALLEY/STREET VACATION PETITION #AV-03-2017** filed to vacate the first east/west alley north of 6th Street running east from Graceland Avenue.

2nd: Dan DeArment

VOTE: Yay (5) Nay (0) Abstain (0)

4. SITE PLAN APPLICATION #SP-08-2017 filed by Rusk OP Findlay, 2930 Centennial Rd, Toledo, OH for a proposed 2,640 square foot office/3,600 square foot warehouse for Everydry Waterproofing to be located at 1760 Romick Parkway.

HRPC

General Information

This request is located on the corner of W. Romick Parkway and S. Romick Parkway. It is zoned I-1 Light Industrial. All surrounding parcels are also zoned I-1. It is not within the 100-year flood plain. The City Land Use Plan designates the area as Industrial

Parcel History

This is a vacant lot.

Staff Analysis

The applicant wishes to construct a new building in the Deer Meadows Subdivision for Everdry Waterproofing. It will contain warehouse and offices.

Setbacks in I-1 are 50' front and 30' sides and rear. The building is situated toward the east side of the lot. The smallest setback shown there is 35'. The front of the building is approximately 115' from the right-of-way line, the west side is approximately 128' from the line and the rear is about 100' from the north line.

There are two ingress/egress points shown on the plan. One will be on the south side of the site and the other on the west side. Both drive aisles are the same 24' width. The warehouse is located at the north end so there will be truck traffic there and they will be able to maneuver through either access if necessary.

The dumpster enclosure is located toward the northeast corner of the site. It states that it is enclosed with a 14' x 32' fence. We assume that is the perimeter of the fence around the 12' x 30' pad. There is no indication of the type of fence or the height on the plan.

The plan states that there will be a maximum of 30 employees on a shift. The industrial zoning requires 1.1 space per number of employees. This calculates to 33 parking spaces required. The plan shows exactly 33 parking spaces on site.

The applicant stated that there would be no light poles on the lot, so no photometric plan was submitted.

The building will be mainly steel siding with some stone veneer wainscot around the office portion. The total height is well below the 60' maximum permitted.

Landscaping requirements are minimal in the I-1 District particularly when they only abut other I-1 properties. The plan does have perimeter landscaping around the office portion of the building and a few trees along the parking lot perimeter.

There is a sign location at the southwest corner of the lot. The applicant stated that this would be a monument sign. An application for the sign will be filed separately with the zoning department and they will ensure that it meets specifications of the zoning code.

Staff Recommendation

HRPC Staff recommends **approval of SITE PLAN APPLICATION #SP-08-2017 for a proposed 2,640 square foot office/3,600 square foot warehouse for Everdry Waterproofing to be located at 1760 Romick Parkway subject to the following conditions:**

- **Clarification of type and height of fence for the dumpster enclosure (HRPC)**

ENGINEERING

Access – The applicant is proposing two (2) drives. One drive will be on West Romick Parkway and the second drive will be on South Romick Parkway. Engineering would like to see the drive on South Romick Parkway moved to the east to keep access further from the curve to increase the visibility of vehicles coming around the bend.

Sanitary Sewer – The proposed sanitary service will connect into the existing sanitary sewer on the north side of South Romick Parkway. The Consultant needs to add some more grades to the sanitary lateral so that Engineering can make sure that there will be enough cover over it where it crosses the proposed swale.

Waterline – Water Distribution does not want the proposed water service to come off the same line that feeds the existing hydrant. The water service will need to run straight from the building to the existing waterline on the west side of West Romick Parkway and a new tap made.

Stormwater Management – Detention for the site will be provided by the existing regional detention area. This lot was included in the original design of the detention area.

MS4 Requirements – The amount of erodible material that will be disturbed will be more than one acre so the site is required to comply with the City of Findlay's Erosion and Sediment Control Ordinance.

Sidewalks – There are no existing walks on West Romick Parkway or South Romick Parkway.

General – The Consultant needs to use the City of Findlay Standard Details and General Notes.

Recommendations: Conditional approval of the site plan subject to the following conditions:

- Move the proposed drive on South Romick Parkway to the east so that it will be further from the bend.
- Add grades to the sanitary service so that Engineer can confirm that there will be adequate cover where the service crosses the proposed swale.
- Revised the proposed water service so that it connects to the existing waterline on the west side of West Romick Parkway.
- Use City of Findlay Standard Details and General Notes.

The following permits may be required prior to construction:

- Sanitary Tap Permit
- Waterline Tap Permit
- Storm Tap Permit
- Curb cut/Drive Permits x 2

FIRE PREVENTION

Apply for all necessary permits with Wood County Building Department
Provide address numbers that are legible from the street

STAFF RECOMMENDATION

Staff recommends approval of SITE PLAN APPLICATION #SP-08-2017 for a proposed 2,640 square foot office/3,600 square foot warehouse for Everdry Waterproofing to be located at 1760 Romick Parkway subject to the following conditions:

- Clarification of type and height of fence for the dumpster enclosure (HRPC)
- Move the proposed drive on South Romick Parkway to the east so that it will be further from the bend. (ENG)
- Add grades to the sanitary service so that Engineer can confirm that there will be adequate cover where the service crosses the proposed swale. (ENG)
- Revised the proposed water service so that it connects to the existing waterline on the west side of West Romick Parkway. (ENG)
- Use City of Findlay Standard Details and General Notes. (ENG)
- Provide address numbers that are legible from the street (FIRE)
- Apply for all necessary permits with Wood County Building Department (FIRE)

DISCUSSION

Mayor Mihalik asked Mike Dunipace if he had any issues with the comments made regarding his plan. Mr. Dunipace stated that they were concerned about the driveway location near the curve. He went over it with their site plan engineer and they still felt it was a reasonable way to lay out their parking and driveway situation. Mr. Dunipace said he believes there will be semi-trucks coming in and out for some of the raw materials. It would of course be easier for them to go straight. Mr. DeArment asked if there was any landscaping on the curve. Ms. Scrimshaw replied no. There are some trees indicated but not landscaping as far as heavy clusters. The trees are spaced like a street tree type scenario.

Dan Clinger said it looks like the drive is about 80' from the north/south right-of-way line. Mr. Clinger also commented that there is no lighting in the parking lot, but there will be some building lighting. Mr. Dunipace said there will be wall packs and those will light the parking areas somewhat. Mr. Clinger asked how that might affect any flood of lighting to the property line. Ms. Scrimshaw said she doubted it would have much effect. She then pointed out the location of the trees which are set back from the road quite a ways so they shouldn't interfere with sight lines.

Jackie Schroeder asked if the other items discussed by the Engineer are amenable to the applicant. Mr. Dunipace replied that it makes sense to him. Judy Scrimshaw asked the applicant if he knew what type of fence was going to surround the dumpster area. Mr. Dunipace replied that it would be either a slatted wood fence or chain link with the slats in it. Ms. Scrimshaw asked what the height might be. Mr. Dunipace replied that the standard is usually 7' or 8'. Ms. Scrimshaw stated that we would need that detail when they apply for their permits. Mr. Cordonnier stated that the City would want the wood fence rather than chain link with slats.

Mr. Dunipace said they could probably put a bit of a curve in the driveway to bring it over some to the east. Mayor Mihalik asked if the drive was moved to the east could it potentially conflict with development of the parcel to the east. Paul Schmelzer said he would be willing to move in Mr. Dunipace's direction and instead of having the requirement state that drive be moved to the east so that it is farther from the bend, if we could interpret it another way. He would like to say that we have the engineering department looking a reverse curve on that drive to move it further east and that be acceptable to the commission. He thinks that will avoid what the Mayor is alluding to and we still moving farther from the intersection which will be satisfactory to the engineer. He may lose a parking space and have to add one to the north. Mr. Dunipace said he could see moving it maybe 20' east with a slight curve that the trucks can still navigate.

Mayor Mihalik commented that the applicant had mentioned raw material earlier in the discussion. She wondered what type of raw material they are housing here. Mr. Dunipace replied that the main raw material is premixed concrete in bags that comes on pallets. The other would be plastic drain pipe. He also commented that truck traffic should not be heavy. May only be one a couple times a week. Mr. Dunipace asked if it would be too idealistic to have that as a one way in drive. It could solve the problem of the blind spot on the curve. He said he doesn't know how it is enforced, but it's a thought.

Mr. Schmelzer said he thinks it could be satisfactory to the Engineering Department. He said it Mr. Dunipace would want to take a look at that site consideration he thinks it would certainly be fine with the Planning Commission. It would certainly eliminate the concern that Engineering has about egress from that point. We can modify the condition to state that either they configure it so it is an entrance only or move it farther to the east. Mr. Dunipace said that made sense to him. Dan Clinger said he would be okay with a one way if it is left where it is.

MOTION

Paul Schmelzer made a motion to approve **SITE PLAN APPLICATION #SP-08-2017 for a proposed 2,640 square foot office/3,600 square foot warehouse for Everdry Waterproofing to be located at 1760 Romick Parkway subject to the following conditions:**

- **Clarification of type and height of fence for the dumpster enclosure (HRPC)**
- **The proposed drive on South Romick Parkway be configured as one-way ingress only or it be moved to the east so that it will be further from the bend. (ENG)**
- **Add grades to the sanitary service so that Engineer can confirm that there will be adequate cover where the service crosses the proposed swale. (ENG)**
- **Revised the proposed water service so that it connects to the existing waterline on the west side of West Romick Parkway. (ENG)**
- **Use City of Findlay Standard Details and General Notes. (ENG)**
- **Provide address numbers that are legible from the street (FIRE)**
- **Apply for all necessary permits with Wood County Building Department (FIRE)**

2nd: Dan Clinger

VOTE: Yay (5) Nay (0) Abstain (0)

5. REVIEW OF DOWNTOWN DESIGN REVIEW DISTRICT GUIDELINES AND MAP

DISCUSSION

Matt Cordonnier explained that in October 2016 the Design Review Ordinance was taken to City Council. They referred it on to Planning and Zoning. Since October the Planning and Zoning Committee has held meetings about this ordinance. Today should be the final meeting of that Committee. He believes it is the eighth meeting on this matter. The plan is that it will be referred to City Council after that meeting and have its first reading in June with the third reading to be in July if all goes as proposed.

Mr. Cordonnier stated that it is before City Planning Commission because the current ordinance is in the Building section of the City Code and the plan is for it to be a part of the Zoning Ordinance now. All amendments to the Zoning Ordinance must go before this body for a recommendation.

Mr. Cordonnier further explained that this is an update to an existing ordinance that has been on the books since about 1993. He stated that one of the issues with the old ordinance is that it does not define a geographical area.

Some of the updates and highlights are:

- There is a seven (7) member board that will review exterior alterations and new site plans within the district.
- There will be Design Review Guidelines. These will be a separate booklet used as guidance to the Board
- They will issue a Certificate upon review. Without a Certificate, the City will not issue any other permits.
- The Design Review can be run concurrently with any other reviews such as CPC, Wood County Building Review, etc.
- Existing Residential single family, duplex and triplexes are exempt from Design Review
- All new construction would be subject to the Ordinance
- If an applicant is not satisfied with the decision of the Board, it can be appealed through the Board of Zoning Appeals (BZA)
- This update moves the focus from just historical preservation to general aesthetics. It also strengthens maintenance. The existing code just says that buildings shall be maintained so that they last into perpetuity. Items will now be listed and addressed such as paint, walls, windows, etc.
- The powers of the Board only extend to the exterior of the buildings

Dan Clinger asked what kind of teeth the City has for enforcement. Is it enforced by zoning? Is there someone that will follow up with clients? Mr. Cordonnier replied that it is in the zoning code so the zoning department will enforce. Dan DeArment asked if this it is common for a City our size to have these ordinances. Matt Cordonnier replied yes. He said that part of his research was looking at similar communities and the ordinances they had in place. City Councilman Grant Russel went to Urbana and visited them to discuss their ordinance. Matt talked with them also. He said that their largest regret was that they had not made a larger area initially. Mr. Cordonnier said they had told him that there was some newer development in the downtown but out of the area designated and so, they couldn't review the plans. Therefore, our council seems to want to cover that in their map. Mr. Cordonnier stated that Lima has a Design Review Board. Mayor Mihalik stated that we did have one.

The ordinance is still on the books but has not been enforced. Ms. Mihalik commented that we have had a lot of redevelopment in our downtown recently and we just want to make sure that that investment is protected. She said she thinks that one of the most important pieces of this legislation is the maintenance component.

Mr. Cordonnier said that when the original ordinance was being formulated, we had sent a copy of the ordinance and map out to all the building owners and business owners in the district. We also included a link to a survey to get their feedback. We have also received 10-12 letters of endorsement from large corporations and small business owners. We also had about 22 responses of which 20 were positive and the other 2 were positive with some questions. The biggest concern seemed to be whether this would slow down the process if they want to do something. Mr. Cordonnier replied that if it is fairly minor, there is an administrative review option. Something larger scale will basically have the same time line as if coming to CPC. The Board has the ability to meet beyond what their regularly scheduled meeting will be if needed.

Paul Schmelzer said he is 100% sure that this will not slow anyone down. The rules are not hidden. Just as any other section of the zoning code, you can look at the requirements. Mr. Schmelzer said the fact is that we already have law. Dan Clinger stated that he could see the maintenance portion of this being a difficult. He said that after the floods there were many of these issues that popped up. Mr. Clinger said he knows it falls on the zoning office, but asked if there a specific person to be this inspector so to speak. Todd Richard stated that they are working on that. Mr. Clinger asked if there are any consequences if the owner doesn't follow up with the recommendations. Mr. Richard replied that there is a penalty section as in the rest of the code.

Mr. DeArment commented that one of the downtown eyesores is the temporary construction fence at the Argyle lot. Does this ordinance give any way to clean that up? Mr. Clinger said another example would be down at Rosilli's and Cavin's where the wall needs to be addressed and the temporary scaffolding there is not going to protect anything if that wall comes loose. Mr. DeArment said let's go back to the fence. That could be there for 20 more years if it doesn't sell. Mr. Cordonnier said the ordinance only says that vacant lots were to be kept mowed and free of debris. Mr. DeArment asked if the fence is legal. Ms. Scrimshaw said she thought they would have to for liability alone. Todd Richard said the owner did not want people accessing it. He said there is a grade change between the sidewalk and the lot and they don't want someone stepping off and injuring themselves. Mr. Schmelzer said he thinks the question is if there is anything in the current code or this ordinance that would prohibit someone from putting up a chain link fence on a vacant parcel. Mr. Richard said that we have fence standards for developed sites in downtown. He looks at this as just a means to secure the area. He is not aware of any ordinance to prohibit this. Mayor Mihalik said she thinks the ordinance may help remedy the site. They can't eliminate the fence, but the site is not level and needs to be. It is a pit right now. Mr. Schmelzer says he can agree with that but, what if they level it, park a vehicle there, and want a fence around it. Can you put a chain link fence there? Mr. Schmelzer said he thinks we expect buildings to be aesthetic and maintained and we can address the ground condition of the parcel. He said he thinks Mr. DeArment has a good point. In other municipalities with secured sites sometimes you have to put up a solid wall. Mr. Schmelzer said he agrees that he doesn't think the chain link fence, given what we want the building owners to do, meets any standards. Matt Cordonnier said that his interpretation of the current zoning code is that the fence would be illegal. Mr. Schmelzer asked why it is there then. Mayor Mihalik stated that it existed prior to the code changes. Mr. Cordonnier said that he had not been alerted to look into this. He feels they have been allowed to have it for safety reasons.

Jackie Schroeder said she is only guessing but she would assume that it was only meant to be a temporary situation which has continued on and on. Mr. Schmelzer said he would be satisfied if the Design Review conditions would make that site be level and maintained and then under the current code the fence would not be permitted. Mr. Cordonnier asked Todd Richard if he agreed with his thoughts on that. Mr. Richard replied that when that fence went up we did not have any standards for fencing in the downtown area. The owner wanted to secure the site. We always anticipate that something will happen, but it has probably been six years now. Mr. Richard said that Mr. Cordonnier is right we do not allow chain link fence to be along Main Street facades, but it did exist prior to that zoning. Mr. Schmelzer stated that with the adoption of Design Review, they would have to address the site condition and the fence would be illegal.

Matt Cordonnier said that the other question was about the wall of a building being in a state of disrepair. That would be brought either by complaint or someone with the City noticing it to the Design Review Board. They would review and work with owner to resolve. They would get a timeline to work in and after that it would become a violation if not remedied in that timeframe.

MOTION

Mayor Mihalik made a motion to recommend approval to City Council to adopt **The DOWNTOWN DESIGN REVIEW DISTRICT GUIDELINES AND MAP**

2nd: Paul Schmelzer

VOTE: Yay (5) Nay (0) Abstain (0)

Lydia L. Mihalik
Mayor

Paul E. Schmelzer, P.E., P.S.
Service-Safety Director

City of Findlay City Planning Commission

Thursday, June 8, 2017 - 9:00 AM

AGENDA

CALL TO ORDER

ROLL CALL

SWEARING IN

APPROVAL OF MINUTES

NEW ITEMS

- 1. PRELIMINARY PLAT APPLICATION #PP-02-2017 for Findlay Commerce Park North to be located on the northwest corner of CR 99 and TR 142.**
- 2. FINAL PLAT APPLICATION #FP-03-2017 for Findlay Commerce Park North to be located on the northwest corner of CR 99 and TR 142.**
- 3. SITE PLAN APPLICATION #SP-09-2017 filed by Blanchard Valley Regional Health Center for a parking lot at 1920 S. Main Street.**
- 4. SITE PLAN APPLICATION #SP-10-2017 filed by The Whittera Company, PO Box 1086, Fostoria, OH for a 63,541 square foot addition to an industrial building locate at 2040 Production Drive, Findlay.**

ADJOURNMENT

City of Findlay

Lydia Mihalik, Mayor

ENGINEERING DEPARTMENT
318 Dorney Plaza, Room 304 • Findlay, OH 45840
Phone: 419-424-7121 • Fax: 419-424-7120
www.findlayohio.com

Paul E. Schmelzer, P.E., P.S.
Safety Director

Brian A. Thomas, P.E., P.S.
Service Director

May 26, 2017

Honorable City Council
Findlay, OH 45840

RE: Downtown Revitalization - HAN-FINDLAY Cory St/Main St (ODOT PID 98797),
Project No. 31942400

Dear Council Members:

On May 16, 2017, Council approved the appropriation of Marathon Petroleum Company's Contribution of \$1,100,000 to the project through Ordinance 2017-053. In order proceed with the project, the ODOT funds also need to be appropriated to the project for construction, inspection and a contingency.

By copy of this letter, the Law Director is requested to prepare the necessary legislation to appropriate funds as follows:

FROM:	ODOT	\$1,859,564
TO:	Downtown Revitalization - HAN-FINDLAY Cory St/Main St (ODOT PID 98797), Project No. 31942400	\$1,859,564

If you have any questions, please feel free to contact me.

Sincerely,



Brian Thomas, P.E., P.S.
Director of Public Service/Acting City Engineer

pc: Don Rasmussen
Jim Staschiak

City of Findlay

Lydia Mihalik, Mayor

N.E.A.T. DEPARTMENT
Neighborhood Enhancement and Abatement Team
318 Dorney Plaza, Room 304 • Findlay, OH 45840
Phone: 419-424-7466
www.findlayohio.com

May 9, 2017

City Council
City of Findlay, Ohio

RE: Departmental Activity

This report will serve as a summary of activities for the Neighborhood Enhancement and Abatement Team (NEAT) during the month of April, 2017

Dilapidated Structures

9 cases year to date
19 cases pending

Weeds

28 cases year to date
25 cases pending

Junk on Premises

136 cases year to date
282 cases pending

Junk/Abandoned Vehicles

147 cases year to date
298 cases pending

Minor Maintenance

1 case year to date
5 cases pending

Miscellaneous

12 cases year to date
15 cases pending

Overgrowth

0 cases year to date
4 cases pending

Right of Way Issues

0 cases year to date
1 case pending

Sidewalks

0 cases year to date
0 cases pending

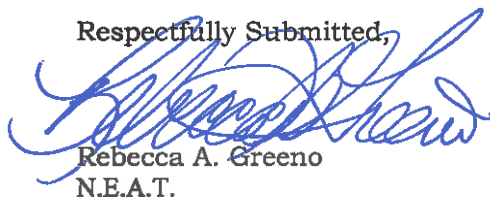
Trash

51 cases year to date
31 cases pending

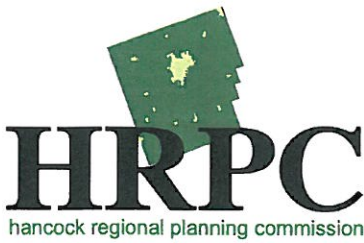
The Neighborhood Enhancement and Abatement Team received 129 new complaints during the month, of which 22 were invalid. Of the 106 valid issues reported, 49 properties were involved with 15 of the owners being non-residents. NEAT personnel closed 143 cases during the month of April and continue to work diligently on the 680 cases that remained active at the end of the month.

The staff of NEAT works conscientiously with property owners and tenants to achieve compliance. The team appreciates the cooperative spirit of the administration and City Council which aids in the betterment of our community. Please contact NEAT personnel if there are any concerns.

Respectfully Submitted,



Rebecca A. Greeno
N.E.A.T.



May 26, 2017

Findlay City Council
318 Dorney Plaza
Findlay, Ohio 45840

City Council Members,

Hancock Regional Planning Commission, in partnership with the Council Planning and Zoning Committee, The Alliance, and the Downtown Findlay Economic Development Task Force, has been working on an update to the existing Downtown Design Review Board regulations. The City of Findlay created the Downtown Design Review Board in 1993. In 2015 efforts began to rewrite the Downtown Design Review Ordinance. Included with the letter is the resulting draft of a new ordinance to replace the existing ordinance.

The purpose of the Downtown Design Review Board is to enhance and protect investment in Findlay's Downtown. The proposed Downtown Design Review Board Ordinance defines the geographic extent and range of powers afforded to the seven member board. The board will review renovations and new construction within the district. These reviews are limited to design aesthetics and compatibility to the existing downtown environment. Additionally the Ordinance contains provisions allowing the board to enforce exterior maintenance standards. In no way does the board have authority to enforce the design or maintenance of interior items such as plumbing, electrical wiring, HVAC, etc.

The ordinance will apply to all the following structures that are located within the geographical boundary of the Downtown Design Review District:

1. All new structures regardless of use.
2. Existing mixed use, commercial, and residential structures with four or more units.
 - a. Existing single family, duplex, and triplex residential structures are not subject to this ordinance.

Please do not hesitate to contact me with any questions.

Sincerely,

Matt Cordonnier
Director, HRPC

**FINDLAY CITY COUNCIL
CARRY-OVER LEGISLATION
June 6, 2017**

RESOLUTION NO. 012-2017 (*opposition of State Governor's proposed 2017-2018 budget*) **tabled after 1st reading on 4/18/17**
A RESOLUTION STRONGLY OPPOSING THE STATE OF OHIO GOVERNOR'S PROPOSED 2017-2018 BUDGET, WHICH PROPOSES CENTRALIZED COLLECTION OF NET PROFIT TAX RETURNS AND OTHER PROVISIONS RELATED TO THE MUNICIPAL INCOME TAX WHICH WILL CAUSE A SUBSTANTIAL LOSS OF REVENUE NEEDED TO SUPPORT THE HEALTH, SAFETY, WELFARE AND ECONOMIC DEVELOPMENT EFFORTS OF OHIO MUNICIPALITIES, AND DECLARING AN EMERGENCY.

ORDINANCE NO. 2017-021 AS AMENDED (*bicycle riding in downtown business district*) **tabled after 3rd reading on 4/18/17**
AN ORDINANCE AMENDING SECTION 373.11(a)(2) AND REPEALING SECTION 373.13 OF CHAPTER 373 OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO.

ORDINANCE NO. 2017-040 (*527 W Sandusky St rezone*) – requires three (3) readings. Public hearing on 6/6/17. **third reading**
AN ORDINANCE AMENDING CHAPTER 1100 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, KNOWN AS THE ZONING CODE BY REZONING THE FOLLOWING DESCRIBED PROPERTY (REFERRED TO AS 527 WEST SANDUSKY STREET REZONE) WHICH PREVIOUSLY WAS ZONED "R3 SINGLE FAMILY HIGH DENSITY" TO "R4 DUPLEX/TRIPLEX HIGH DENSITY".

ORDINANCE NO. 2017-043 (*RLF administration*) requires three (3) readings **third reading**
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

ORDINANCE NO. 2017-047 (*607 Central Ave rezone – Habitat for Humanity*) requires three (3) readings. Public hearing on 6/20/17. **second reading**
AN ORDINANCE AMENDING CHAPTER 1100 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, KNOWN AS THE ZONING CODE BY REZONING THE FOLLOWING DESCRIBED PROPERTY (REFERRED TO AS 607 CENTRAL AVENUE REZONE) WHICH PREVIOUSLY WAS ZONED "C2 GENERAL COMMERCIAL" TO "R3 SINGLE FAMILY HIGH DENSITY".

ORDINANCE NO. 2017-048 (*Graceland Ave (800 6th St) vacation*) requires three (3) readings **second reading**
AN ORDINANCE VACATING A CERTAIN ALLEY (HEREINAFTER REFERED TO AS GRACELAND AVENUE ALLEY VACATION) IN THE CITY OF FINDLAY, OHIO.

ORDINANCE NO. 2017-049 (*221 W Hardin St rezone*) Requires three (3) readings. Public hearing on 6/20/17. **second reading**
AN ORDINANCE AMENDING CHAPTER 1100 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, KNOWN AS THE ZONING CODE BY REZONING THE FOLLOWING DESCRIBED PROPERTY (REFERRED TO AS 221 WEST HARDIN STREET REZONE) WHICH PREVIOUSLY WAS ZONED "C2 GENERAL COMMERCIAL" TO "R4 DUPLEX/TRIPLEX HIGH DENSITY".

City of Findlay

Office of the Director of Law

318 Dorney Plaza, Room 310
Findlay, OH 45840
Telephone: 419-429-7338 • Fax: 419-424-7245

Donald J. Rasmussen
Director of Law

JUNE 6, 2017

THE FOLLOWING IS THE NEW LEGISLATION TO BE PRESENTED TO THE CITY COUNCIL OF THE CITY OF FINDLAY, OHIO, AT THE TUESDAY, JUNE 6, 2017 MEETING. .

RESOLUTIONS

015-2017 A RESOLUTION TRANSFERRING FUNDS WITHIN APPROPRIATED FUNDS, AND DECLARING AN EMERGENCY

ORDINANCES

- 2017-054 AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.
- 2017-055 AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR OF THE CITY OF FINDLAY, OHIO TO ENTER INTO A DEVELOPMENT AGREEMENT WITH CAMPBELL'S SOUP SUPPLY COMPANY L.L.C. TO FORMALIZE THE FINANCIAL CONTRIBUTION BY THE CAMPBELL'S SOUP SUPPLY COMPANY L.L.C. TOWARD THE PUBLIC IMPROVEMENTS AT THE NEW INDUSTRIAL PARK WHERE THEIR NEW FACILITY WILL BE LOCATED, AND DECLARING AN EMERGENCY.
- 2017-056 AN ORDINANCE GRANTING TO HANCOCK-WOOD ELECTRIC COOPERATIVE, INC. ITS SUCCESSORS AND ASSIGNS, THE RIGHT TO ACQUIRE, CONSTRUCT, MAINTAIN AND OPERATE IN THE STREETS, THOROUGHFARES, ALLEYS, BRIDGES AND PUBLIC PLACES OF THE CITY OF FINDLAY, STATE OF OHIO, AND ITS SUCCESSORS, LINES FOR THE DISTRIBUTION OF ELECTRIC ENERGY AND OTHER SERVICES TO PARTS OF THE CITY OF FINDLAY AND THE INHABITANTS THEREOF FOR LIGHT, HEAT, POWER AND OTHER PURPOSES AND FOR THE TRANSMISSION OF THE SAME WITHIN, THROUGH AND ACROSS SAID CITY OF FINDLAY, STATE OF OHIO, SUBJECT TO AND IN COMPLIANCE WITH THE CERTIFIED TERRITORIES FOR ELECTRIC SUPPLIERS ACT (OHIO REVISED CODE SECTIONS 4933.81 TO 4933.90).
- 2017-057 AN ORDINANCE ACCEPTING THE STREET RIGHT-OF-WAY DEDICATION AS SHOWN ON THE TALL TIMBERS WEST 1ST ADDITION RIGHT-OF-WAY DEDICATION PLAT, AND DECLARING AN EMERGENCY.
- 2017-058 AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.
- 2017-059 AN ORDINANCE ENACTING NEW CHAPTER 1138 OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, ENTITLED DESIGN REVIEW REGULATIONS ORDINANCE FOR THE CITY OF FINDLAY, OHIO.
- 2017-060 AN ORDINANCE AUTHORIZING THE AUDITOR OF THE CITY OF FINDLAY, OHIO TO ENROLL THE CITY OF FINDLAY IN THE BUREAU OF WORKER'S COMPENSATION (BWC) GROUP RETROSPECTIVE RATING PLAN, AND DECLARING AN EMERGENCY.

RESOLUTION NO. 015-2017

A RESOLUTION TRANSFERRING FUNDS WITHIN APPROPRIATED FUNDS, AND DECLARING AN EMERGENCY.

BE IT RESOLVED by the Council of the city of Findlay, State of Ohio, two-thirds (2/3) of all members elected or appointed thereto concurring:

SECTION 1: That the Auditor is authorized to appropriate the following sums and to transfer said sums to the following accounts and/or projects:

FROM:	Service Director #21020000-personal services	\$ 70,000.00
TO:	Safety Director #21017000-personal services	\$ 70,000.00

SECTION 2: This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the inhabitants of the City of Findlay, Ohio, and for the further reason it is immediately necessary to make said transfer so that the Safety Director Department may be funded.

WHEREFORE, this Resolution shall take effect and be in force from and after its passage and approval by the Mayor.

PRESIDENT OF COUNCIL

MAYOR

PASSED _____

ATTEST _____
CLERK OF COUNCIL

APPROVED _____

ORDINANCE NO. 2017-054

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Council of the City of Findlay, State of Ohio, two-thirds (2/3) of all members elected thereto concurring:

SECTION 1: That the following sums be and the same are hereby appropriated:

FROM:	General Fund	\$ 31,796.39
TO:	Public Buildings Department #21010000-other	\$ 31,796.39

SECTION 2: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the inhabitants of the City of Findlay, Ohio, and for the further reason it is immediately necessary to appropriate said funds so that reimbursement funds received from the cleanup and restoration from a sewer backup at the Municipal Building may be utilized,

WHEREFORE, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor.

PRESIDENT OF COUNCIL

MAYOR

PASSED _____

ATTEST _____
CLERK OF COUNCIL

APPROVED _____

ORDINANCE NO. 2017-055

AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR OF THE CITY OF FINDLAY, OHIO TO ENTER INTO A DEVELOPMENT AGREEMENT WITH CAMPBELL'S SOUP SUPPLY COMPANY L.L.C. TO FORMALIZE THE FINANCIAL CONTRIBUTION BY THE CAMPBELL'S SOUP SUPPLY COMPANY L.L.C. TOWARD THE PUBLIC IMPROVEMENTS AT THE NEW INDUSTRIAL PARK WHERE THEIR NEW FACILITY WILL BE LOCATED, AND DECLARING AN EMERGENCY.

WHEREAS, Council of the City of Findlay, Ohio is desirous of accepting the contribution of Campbell's Soup Supply Company L.L.C. in the amount of four hundred sixty-eight thousand four hundred forty-one dollars (\$468,441.00) toward the construction of the public improvements at the new industrial park where its new facility will be located.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Findlay, Ohio, two-thirds (2/3) of all members elected thereto concurring:

SECTION 1: That the Service Director of the City of Findlay, Ohio, be and is hereby authorized to enter into a Development Agreement with Campbell's Soup Supply Company L.L.C. for the public improvements at the new industrial park whereby Campbell's Soup Supply Company L.L.C. will contribute four hundred sixty-eight thousand four hundred forty-one dollars (\$468,441.00).

SECTION 2: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the inhabitants of the City of Findlay, Ohio, and for the further reason it is immediately necessary to authorize entering aforementioned agreement so that the City of Findlay and Campbell's Soup Supply Company L.L.C. may begin aforementioned project expeditiously,

WHEREFORE, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor.

PRESIDENT OF COUNCIL

MAYOR

PASSED _____

ATTEST _____
CLERK OF COUNCIL

APPROVED _____

ORDINANCE NO. 2017-056

AN ORDINANCE GRANTING TO HANCOCK-WOOD ELECTRIC COOPERATIVE, INC. ITS SUCCESSORS AND ASSIGNS, THE RIGHT TO ACQUIRE, CONSTRUCT, MAINTAIN AND OPERATE IN THE STREETS, THOROUGHFARES, ALLEYS, BRIDGES AND PUBLIC PLACES OF THE CITY OF FINDLAY, STATE OF OHIO, AND ITS SUCCESSORS, LINES FOR THE DISTRIBUTION OF ELECTRIC ENERGY AND OTHER SERVICES TO PARTS OF THE CITY OF FINDLAY AND THE INHABITANTS THEREOF FOR LIGHT, HEAT, POWER AND OTHER PURPOSES AND FOR THE TRANSMISSION OF THE SAME WITHIN, THROUGH AND ACROSS SAID CITY OF FINDLAY, STATE OF OHIO, SUBJECT TO AND IN COMPLIANCE WITH THE CERTIFIED TERRITORIES FOR ELECTRIC SUPPLIERS ACT (OHIO REVISED CODE SECTIONS 4933.81 TO 4933.90).

NOW THEREFORE BE IT ORDAINED BY COUNCIL OF THE CITY OF FINDLAY, HANCOCK COUNTY, OHIO:

SECTION 1: That Hancock-Wood Electric Cooperative, Inc., its successors and assigns (hereinafter called "Grantee") are hereby granted the right, privilege, franchise and authority to acquire, construct, maintain and operate in, above, under, across and along the streets, thoroughfares, alleys, bridges, and public places (as the same now exist or may hereafter be laid out) of the City of Findlay, State of Ohio, and its successors (hereinafter called "City"), lines for the distribution of electric energy, either by means of overhead or underground conductors, with all the necessary or desirable appurtenances, including substations, to render public utility service in the City and to the inhabitants thereof by supplying electric energy or other services to the City and to the inhabitants thereof, and persons or corporations beyond the limits thereof, for light, heat, power or other purpose or purposes for which electric energy is now or may hereafter be used, and the transmission of the same within, through or across the City ; provided, however, the Grantee shall provide electric service hereunder only: (1) within the area of the City, either presently being provided electric or other services by Grantee, or which, at the date of this ordinance, is included in the area shown on maps filed with the Public Utilities Commission of Ohio which the affected electric suppliers have agreed to be within the certified territory of the Grantee established pursuant to sections 4933.81 to 4933.90 of the Ohio Revised Code, and (2) any other area or areas annexed to the City after the date of this ordinance any portion of which is either being provided electric or other services by Grantee at the time of such annexation, or which at the date of this ordinance is included within the Grantee's aforementioned certified territory.

SECTION 2: That in establishing and administering this franchise ordinance (and any other franchise ordinance granted by the City to any other grantee) in the area or areas described above (or in any other area or areas of the City) during the term of this franchise ordinance it is the intent of the City that the Grantee and all other franchise grantees in the City shall comply with and respect, the Certified Territories for Electric Suppliers Act (Ohio Revised Code Sections 4933.81 to 4933.90) and the exclusive certified territories established by the Public Utilities Commission of Ohio (PUCO) thereunder.

SECTION 3: That said lines and appurtenances shall be constructed so as to interfere as little as possible with the traveling public in its use of the streets, thoroughfares, alleys, bridges and public places. The location of all poles, or conduits, shall be made under the supervision of the proper board or committee of the City government.

SECTION 4: That the rights, privileges and franchise hereby granted shall be in force and effect for a period of fifty (50) years from the date of the passage of this ordinance.

That the rights, privileges and franchise hereby granted shall not be construed to be exclusive and the Council of the City hereby reserves the power to grant similar rights, privileges and franchises to any other person or persons, firm or firms, corporation or corporations, subject to and in compliance with Section I and Section II of this franchise ordinance.

SECTION 5: That said Grantee shall save the City harmless from any and all liability arising in any way from negligence in the erection, maintenance or operation of said lines for the distribution of electric energy.

SECTION 6: That whenever said Grantee shall begin the erection of any lines or equipment, it shall promptly and diligently prosecute the work to completion and leave the streets, thoroughfares, alleys, bridges, and public places where such work is done in as good condition of repair as before such work was commenced.

SECTION 7: That wherever in this ordinance reference is made to the City or to the Grantee, it shall be deemed to include the respective successors or assigns of either; and all rights, privileges and obligations herein contained by or on behalf of said City, or by or on behalf of Grantee, shall be binding upon, and inure to the benefit of the respective successors or assigns of said City, or of said Grantee, whether so expressed or not.

SECTION 8: That this ordinance shall be accepted by the Grantee within sixty (60) days from the date of the passage of same.

SECTION 9: That this ordinance shall go into force and effect at the earliest possible time permitted by law.

SECTION 10: That all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Passed by the City Council this _____ day of _____, 2017.

President of Council

ATTEST:

Clerk

APPROVED:

Date

Mayor

ACCEPTANCE

The undersigned, President and CEO of Hancock-Wood Electric Cooperative, Inc., does hereby accept all terms and conditions set forth in Ordinance No. _____ of the City of Findlay, Hancock County, Ohio, duly passed by the Council of said City on the date set forth above.

President/CEO

Date: _____

ORDINANCE NO. 2017-057

AN ORDINANCE ACCEPTING THE STREET RIGHT-OF-WAY DEDICATION AS SHOWN ON THE TALL TIMBERS WEST 1ST ADDITION RIGHT-OF-WAY DEDICATION PLAT, AND DECLARING AN EMERGENCY.

WHEREAS, in accordance with the Ohio Revised Code of Ohio, plats with street right-of-way dedications shown thereon are to be accepted and dedicated by City Council for public use.

NOW, THEREFORE BE IT ORDAINED by the Council of the City of Findlay, State of Ohio as follows:

SECTION 1: That the street right-of-way dedication as shown on the Tall Timbers West 1st Addition right-of-way dedication plat be and is hereby accepted by this Council and is hereby dedicated to public use.

SECTION 2: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the inhabitants of the City of Findlay, Ohio, and for the further reason it is immediately necessary to accept said right-of-way dedication plat so that the Tall Timber West 1st Addition project may proceed expeditiously.

WHEREFORE, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor.

PRESIDENT OF COUNCIL

MAYOR

PASSED _____

ATTEST _____
CLERK OF COUNCIL

APPROVED _____

ORDINANCE NO. 2017-058

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Council of the City of Findlay, State of Ohio, two-thirds (2/3) of all members elected thereto concurring:

SECTION 1: That the following sums be and the same are hereby appropriated:

FROM:	ODOT	\$ 1,859,564.00
TO:	Downtown Revitalization HAN-FINDLAY Cory St/Main St (ODOT PID 98797) <i>project #31942400</i>	\$ 1,859,564.00

SECTION 2: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the inhabitants of the City of Findlay, Ohio, and for the further reason it is immediately necessary to appropriate said funds so that the aforementioned project may proceed expeditiously,

WHEREFORE, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor.

PRESIDENT OF COUNCIL

MAYOR

PASSED _____

ATTEST _____
CLERK OF COUNCIL

APPROVED _____

ORDINANCE NO. 2017-059

AN ORDINANCE ENACTING NEW CHAPTER 1138 OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, ENTITLED DESIGN REVIEW REGULATIONS ORDINANCE FOR THE CITY OF FINDLAY, OHIO.

SECTION 1: That a new Chapter 1138 be and the same is hereby adopted to read as follows:

1138.01 PURPOSE.

The purposes of this chapter are:

- A. To establish procedures whereby certain areas of the City are afforded protection from actions that would be detrimental to the business, residential and cultural resources in the community, and to pursue the following objectives:
 - 1. Maintain and enhance the distinctive aesthetic character of downtown;
 - 2. Encourage development of vacant properties in accordance with the character of the designated districts.
- B. To contribute to the economic and cultural development of downtown Findlay by:
 - 1. Protecting and enhancing the downtown attraction to prospective residents, businesses and visitors;
 - 2. Strengthen the economy of downtown by stabilizing and improving property values;
- C. Facilitating reinvestment in and revitalization of the central business district.

1138.02 DEFINITIONS.

The following definitions shall apply only to the provisions of the Design Review Regulations of these Codified Ordinances:

- A. "Alter" or "Alteration" means any material Change in the external features of any property which lies within a Design Review District, including but not limited to removal, construction, New Construction, remodeling, exterior painting, or landscaping of real property.
- B. "Applicant" means the land owner or his authorized, who submits a request for any development, variance, Change, review or other procedure as authorized in this ordinance.
means any owner, owners, person(s), association, partnership or corporation who applies for a Certificate of Appropriateness in order to undertake any Change on property subject to this chapter.

- C. "Architectural Feature" means any exterior features that add to the characteristic or design aesthetic of a building or site.
- D. "Change" means any Alteration, removal or construction involving any property subject to the provisions of this chapter, including signs.
- E. "Design Review District" means any area within the corporate limits of the City designated by Council to be subject to the provisions of this chapter.
- F. "Design Review Guidelines" means a written set of examples of good and bad design features. The review guidelines are meant to help convey the aesthetic character of the Design Review District.
- G. "Member" means any Member of the Design Review Board as established under the provisions of this chapter.
- H. "New Construction" means any structures including buildings, signs and monuments; for which the start of construction commenced on or after the effective date of this ordinance.
- I. "Property owner" means the owner or owners of record.
- J. "Real Property" includes lands, tenements and hereditaments.
- K. "Administrator of the Board" shall be a staff member designated by the Design Review Board.

1138.03 DESIGN REVIEW BOARD ESTABLISHED.

A. Composition of the Board

There is hereby established a Design Review Board which shall have the powers and duties as are hereinafter set forth in this chapter. The Board shall consist of seven Members and two alternates, who shall be appointed by the Mayor, subject to confirmation from Council. The Members of the Board shall be appointed by the Mayor with due regard for the need for professional expertise and balance among the diverse interests within the district.

B. Alternates

Two alternates shall be appointed and are considered a Member when acting on behalf of a Member who is absent or must abstain from a vote. Alternates shall be asked to attend any meeting a regular Member will be absent or has a conflict of interest. The alternates should fill any vacant seats to help ensure that seven voting Members are present.

C. Terms

Members shall be appointed to serve three-year terms, except in the initial year when two Members shall have a one-year term, two Members shall have two-year terms, and three Members shall have three-year terms.

D. Attendance

Any Member of the Design Review Board that has been absent for two (2) consecutive meetings or more than 1/3 of the total number of regularly scheduled meetings during the previous twelve months, and having been properly advised as to the date, time and place of said meetings may be subject to removal. The Design Review Board will review each case individually to determine if removal is necessary.

1138.04 DESIGNATION

The Design Review District shall be confined to properties within the designated area. This will include all property located within the boundaries set forth on the map. Any Changes to the Design Review District boundaries must be approved by City Council.

1138.05 DESIGN REVIEW BOARD; POWERS AND DUTIES.**A. Powers**

Within the boundaries of any Design Review District established by Council, the Design Review Board shall review any proposed exterior alterations or Changes to property as herein defined. The Board's approval of such Alteration or Change shall be secured before any work may commence. The extent of the board's reviews and powers are limited to the exterior of the building and site design, the board shall have no oversight of any interior features or systems within a building. The Design Review Board shall also have the power to enforce a minimum set of aesthetic maintenance standards as outlined in 1138.07 of this chapter.

B. Applicable Properties

The Design Review Ordinance applies to the following property types:

1. Existing non-residential, mixed use structures, and existing residential with four or more units.
2. All new structures regardless of use.

C. Review Guidelines

The Design Review Board will maintain a written set of guidelines that will assist in evaluating proposed Alterations. These guidelines will act as a resource to help developers and property owners make Alterations that fit into the aesthetic character of the district. The Design Review Board will review the guidelines annually or on an as needed basis. The Guidelines shall be adopted by City Council and any subsequent Changes shall be approved by City Council.

In reviewing proposed Alterations or Changes to property, the Board shall use the following criteria as part of their evaluation. These are covered in greater detail within the Downtown Design Review Board Guidebook:

1. Site Design

- a. Relationship of Building Masses and Spaces - The relationship of a structure within the district to the open space between it and adjoining structures should be compatible.
- b. Height - the height of any proposed Alteration or construction should be compatible with the style and character of surrounding structures in the district;
- c. Scale - The scale of the structure after Alteration, construction, or partial demolition should be compatible with its architectural style and character and with surrounding structures in the district;
- d. Landscaping - Landscaping should be compatible with the architectural character and appearance of the district.

2. Building Design

- a. Proportions of windows and doors - The proportions and relationships between doors and windows should be compatible with the architectural style and character of the district;
- b. Materials – Building materials shall be complementary to the character of the district.
- c. Roof Shape - The design of the roof, and cornice should be compatible with the architectural style and character of the district;
- d. New Structures - New structures in the district shall be compatible with the character of the district.
- e. Color – Shall be compatible with the character of the district.

D. Meeting Schedule

- 1. The Design Review Board shall meet a minimum of bimonthly or as needed. Meetings shall be scheduled in the same week as City Planning Commission to expedite review. The deadline to submit an application for a Certificate of Appropriateness is seven days prior to the meeting. The administrator will have the authority to accept plans after the deadline at his or her discretion.
- 2. Special meetings may be called by the Design Review Board, outside their monthly meeting, to review projects. The purpose of these special meetings is to expedite the review process.

E. Voting

A majority of the membership of the Board, not including alternates, shall constitute a quorum, and any action or decision of the Board shall have the support of the majority of the quorum present. Alternate Members will be invited any time a regular Member cannot be present or has a conflict of interest that prevents them from voting.

F. Establishing the Administrator of the Design Review Board

A staff member shall be appointed to act as the Board Administrator. The Design Review Board Administrator duties include scheduling meetings, preparing meeting packets, issuing permits, maintaining files, and communicating information between the board and Applicant.

G. Establishing Administrative Review

The Design Review Board shall have the authority to give the Design Review Board Administrator the power of administrative review of small projects. The board will establish a set of criteria to determine what is eligible for administrative approval.

H. Effective Date

Nothing contained herein shall authorize the Design Review Board to require any site design or building design Changes which were completed prior to the effective date of this ordinance. However, nothing in this section shall be construed to prohibit the Design Review Board from enforcing aesthetic maintenance items as authorized by 1138.07 Minimum Maintenance Requirement.

1138.06 CERTIFICATE OF APPROPRIATENESS

A. Process and Timing

1. When the property owner or occupant/tenant intends to construct, reconstruct, or alter any portion of a structure within the District, they shall first apply for and secure a Certificate of Appropriateness from the Design Review Board. The application for a certificate shall be deposited with the Design Review Board Administrator, together with such plans, specifications and drawings needed to convey the scope of the project. The Administrator shall transmit the application to the Design Review Board Members. .
2. Within forty-five days of filing, the Board shall consider the applications, plans and specifications, and approve, deny, or table the application.
3. If the Board fails to meet and consider an application within forty-five days of filing, the application shall be deemed approved. Once the board meets to consider the application the forty five day time frame is satisfied and no specific timeline is applied to the application. The board may table an application for further discussion or fact finding purposes.

4. The Board may require any person applying for a Certificate of Appropriateness to supply additional information with the Board prior to any hearing or determination to properly review the request.
5. If the proposed construction, reconstruction, Alteration is determined to have no adverse effect on the Design Review District, and does not violate the spirit and purpose of these regulations, then the Board Administrator shall issue the Certificate of Appropriateness.
6. If the Design Review Board determines that the proposed construction, reconstruction, Alteration will have an adverse effect on the Design Review District, or violates the spirit and purposes of these regulations, then the Board shall deny issuance of the Certificate of Appropriateness. The board shall state in its records the reason for denial and transmit to the Applicant via proof of mailing the reasons for denial.

B. Appeal Process

Whenever the Design Review Board shall, in a final decision, disapprove an application for a Certificate of Appropriateness, the Applicant for such Certificate shall have the right to appeal the board's decision to the Board of Zoning Appeals, in accordance with Chapter 1115 of the Zoning Code.

1138.07 LIMITATIONS ON ISSUANCE OF CERTIFICATES AND PERMITS.

A. Issuance of Certificate

No construction, reconstruction, Alteration of any structure or Applicant thereof in any designated Design Review District shall be undertaken prior to obtaining a Certificate of Appropriateness from the Design Review Board. The Zoning Department shall not issue any additional required permits until a Certificate of Appropriateness has been approved by the Design Review Board. Any projects requiring site plan review may submit to the Design Review Board and Planning Commission simultaneously.

B. Exemptions

1. In instances where building conditions are creating a threat to public health or safety, immediate action to remedy the hazard may occur without a Certificate of Appropriateness.
2. The Design Review District does not apply to any existing single family, duplex or triplex homes located within its boundaries. Additionally the conversion of any single family unit to a duplex or triplex will not be subject to the design review standards.

1138.08 MINIMUM MAINTENANCE REQUIREMENT.

A. The Design Review Board has the authority to review properties and require remedies for aesthetic maintenance. This includes:

1. Paint: chipped or faded

2. Awnings: torn, faded, structural failures
 3. Windows: cracked, broken, missing.
 4. Signs: broken, chipped paint, structural failure
 5. Exterior walls and finishes: chipped, cracked, structural failure, or safety concern
 6. Landscaping and accessory features: must be maintained and cleared of debris.
 7. Vacant lots: must be level at grade, maintained, and cleared of debris.
 8. Any other exterior feature not listed above that is in disrepair.
- B. The Design Review Board shall execute the following procedures when a property maintenance issue may be present.
1. Complaints shall be filed with the Design Review Board Administrator. The Administrator will gather information to present at the next scheduled Design Review Board meeting.
 2. Upon receipt of a complaint, the Design Review Board shall review and determine if the complaint shall be investigated further. A majority vote of the membership present shall determine if the complaint shall be dismissed or warrants a hearing with the property owner present. Holding a hearing does not necessarily mean that a violation has occurred.
 3. The Design Review Board shall notify the property owner or authorized representative of a potential maintenance violation via proof of mailing. The property owner will be asked to attend the next Design Review Board meeting to discuss the potential violation. Prior to the conclusion of the meeting, the Design Review Board shall vote to determine if a maintenance violation has occurred and outline steps for remediation. A majority vote of the quorum present is needed to determine if there is a maintenance issue and to outline steps for remediation.
 4. If it is determined that a violation exists, the property owner shall have thirty (30) days to fix the violation. The Design Review Board may state a period longer than thirty (30) days when appropriate.
 5. If the property owner or representative fails to respond or attend the next Design Review Board meeting to discuss the potential violation, the Design Review Board will proceed without the owners input and prescribe actions for remediation. The board will make reasonable efforts to schedule a meeting with the property owner if they are unable to attend the regularly scheduled monthly meeting.

C. Maintenance Appeal Process

To seek relief from a maintenance violation property owners shall have the right to appeal the board's decision to the Board of Zoning Appeals, in accordance with Chapter 1115 of the Zoning Code.

1138.97 STOP WORK ORDER

- A. The Zoning Administrator or other enforcement official of the city upon learning or discovering a violation of this design review ordinance may immediately issue a stop work order which shall be posted on the job site and mailed to the applicant or property owner. All work on the property must cease immediately unless otherwise stated on the stop work order.
- B. The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take necessary remedial measures to cure such violation or violations.
- C. When an owner fails to comply with the stop work order, the owner may be prosecuted and is subject to the penalty provided in Chapter 1199.
- D. Failure to cease work after receipt of an order to stop work is hereby declared a public nuisance.

1138.99 PENALTY.

A. Fines

- 1. Failure to remedy the violation as outlined by the Design Review Board within the designated timeframe will result in a violation and will be subject to Penalty Section 1199.

SECTION 2: That Chapter 1373 be and the same is hereby repealed.

SECTION 3: This Ordinance shall be in full force and effect from and after the earliest period provided by law.

PRESIDENT OF COUNCIL

MAYOR

PASSED _____

ATTEST _____
CLERK OF COUNCIL

APPROVED _____

ORDINANCE NO. 2017-060

AN ORDINANCE AUTHORIZING THE AUDITOR OF THE CITY OF FINDLAY, OHIO TO ENROLL THE CITY OF FINDLAY IN THE BUREAU OF WORKER'S COMPENSATION (BWC) GROUP RETROSPECTIVE RATING PLAN, AND DECLARING AN EMERGENCY.

WHEREAS, it has become apparent to the Auditor of the City of Findlay, Ohio that the City can eliminate substantial workers compensation liability and costs by enrolling in the group retrospective rating plan, and it is this Council's intent to give the Auditor of the City of Findlay, Ohio the authority to execute said agreement.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Findlay, State of Ohio, two-thirds (2/3) of all members elected thereto concurring:

SECTION 1: That the Auditor of the City of Findlay, Ohio, Hancock County, State of Ohio be and he is hereby authorized to enroll the City of Findlay in the Ohio Municipal League Group Retrospective Rating Plan approved by the Ohio Bureau of Workers Compensation, commencing January 1, 2018.

SECTION 2: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the inhabitants of the City of Findlay, Ohio, and for the further reason it is immediately necessary to authorize said agreement so that the new rating plan is in effect January 1, 2018.

WHEREFORE, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor.

PRESIDENT OF COUNCIL

MAYOR

PASSED _____

ATTEST _____
CLERK OF COUNCIL

APPROVED _____